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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,858

10/31/2003

Howard W. Lutnick

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
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NEW YORK, NY 10036-8704

EXAMINER

SHUMATE, PAUL W

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,858	Applicant(s) LUTNICK ET AL.	
	Examiner PAUL SHUMATE	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07 August 2006, 22 August 2005, 28 October 2004,</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>26 February 2004, 17 February 2004.</u> | |

DETAILED ACTION

Status of Claims

1. This action is in reply to the Application filed on 10/31/2003. Claims 1-29 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim(s) 1-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Belzberg, U.S. Patent No.: 6,134,535, in view of Gutterman et al, U.S. Patent No.: 5,297,031.

Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

As per claims 1-22, Belzberg teaches a system for electronic trading (see at least column 2 lines 14-18) which comprises a keyboard having keys for placing orders (see at least column 2 lines 14-18, column 3 lines 1-5, and column 3 lines 65-67), a display device which displays information regarding relevant stocks (see at least column 2 lines 18-22, column 2 lines 67-67, and column 3 lines 49-57), and a processor for controlling the information being displayed (see at least column 5 lines 33-45).

Belzberg does not specifically teach displaying numerous financial instruments in different trading quadrants, where each quadrant contains information relating to each specific financial instrument, and

Belzberg also does not teach displaying one of the quadrants on the display in response to a user selecting that quadrant.

Gutterman, however, teaches an order management workstations with a “deck pane [that] can be selectively partitionable so that a plurality of decks can be simultaneously displayed, deck pane 135 is shown partitioned into four deck areas, each corresponding to a different commodity or instrument [which users can] selectively call up each deck area onto the full deck pane (see at least column 13 lines 7-19).”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the teachings of Belzberg and Gutterman because when a user is viewing more than one financial instrument on the screen at a given time the amount of information that can be displayed for each instrument is reduced due to shared screen display space. Displaying one selected instrument on the screen allows for more information to be shown to the user (see at least column 11 lines 1-8 and column 13 lines 5-19).

Belzberg further teaches that the computerized trading system processes orders and initiates trade transactions (see at least column 2 lines 14-39, column 3 line 63 to column 4 line 6, and column 5 lines 9-25) which displays information relevant to transactions in real time (see at least column 7 lines 65-67)

Gutterman further teaches a clearinghouse (see at least column 6 lines 60-62 and column 13 lines 37-40) as part of the system.

Claim Interpretation

4. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method or system claim that states only the intended use or intended result (e.g. “for placing orders... for displaying a view...”), but the expression does not result in a manipulative difference in the steps of the method claim nor a structural difference between the system claim and the

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prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the system claim.

Claim limitations that contain statement(s) such as “if, may, might, can, could”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “wherein, whereby”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

(A) statements of intended use or field of use,

(B) “adapted to” or “adapted for” clauses,

(C) “wherein” clauses, or

(D) “whereby” clause

See MPEP § 2106 II C.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Shumate whose telephone number is 571-270-1830. The examiner can normally be reached on M-F 8:30 AM - 6:00 PM, EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Name: Paul W. Shumate
Title: Patent Examiner
Date: 2/19/08
Signature: /Paul Shumate/
Examiner, Art Unit 3693
/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693